

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

-----X
OFFICIAL COMMITTEE OF UNSECURED
CREDITORS,

Plaintiff,

MEMORANDUM & ORDER
13-CV-5475 (JS) (ARL)

-against-

LINDA HALTMAN et al.,

Defendants.

-----X
SEYBERT, District Judge:

Pending before the Court is Magistrate Judge A. Kathleen Tomlinson's Report and Recommendation ("R&R"), recommending that this Court deny a discovery motion (Docket Entry 71) filed by defendants Linda and Michael Haltman (the "Haltman Defendants") seeking to preclude Plaintiff from presenting certain damages evidence at trial. (R&R Docket Entry 152.) For the following reasons, the Court ADOPTS Judge Judge Tomlinson's R&R in its entirety.

BACKGROUND

Plaintiff, the Official Committee of Unsecured Creditors of Exeter Holding Ltd. ("Plaintiff") against defendants Arnold Frank, Sondra Frank, Linda Haltman, Michael Haltman, Bruce Frank, Larry Frank, and various others trusts listed in the Complaint ("Defendants"). Plaintiffs principally claim that Defendants defrauded Exeter's creditors by transferring funds from Exeter to

themselves, certain trusts, and other entities. (Compl., Docket Entry 3-9, at 1-3.)

On September 8, 2014, the Haltman Defendants moved for an order pursuant to Rule 37(c)(1) of the Federal Rules of Civil Procedure to preclude Plaintiff from presenting evidence on a motion or at a trial or hearing relating to the allegation that funds of Exeter Holding, Ltd. were used to "pay personal expenses of the Frank-Haltman clan." (Defs.' Mot., Docket Entry 71, at 1.) On April 7, 2015, the undersigned referred Plaintiff's motion to Judge Tomlinson for an R&R on whether the motion should be granted. (Docket Entry 125.)

On August 25, 2015 Judge Tomlinson issued her R&R. (Docket Entry 152.) The R&R recommends that the Court deny the Haltman Defendants' Motion. (R&R at 12.)

DISCUSSION

In reviewing an R&R, a district court "may accept, reject, or modify, in whole or in part, the findings and recommendations made by the magistrate judge." 28 U.S.C. § 636(b)(1)(C). If no timely objections have been made, the "court need only satisfy itself that there is no clear error on the face of the record." Urena v. New York, 160 F. Supp. 2d 606, 609-10 (S.D.N.Y. 2001) (internal quotation marks and citation omitted).

Objections were due within fourteen (14) days of service of the R&R. The time for filing objections has expired, and no

party has objected. Accordingly, all objections are hereby deemed to have been waived.

Upon careful review and consideration, the Court finds Judge Tomlinson's R&R to be comprehensive, well-reasoned, and free of clear error, and it ADOPTS the R&R in its entirety.

CONCLUSION

Judge Tomlinson's R&R (Docket Entry 152) is ADOPTED in its entirety and the Haltman Defendants' motion to strike (Docket Entry 71) is DENIED.

SO ORDERED.

/s/ JOANNA SEYBERT
Joanna Seybert, U.S.D.J.

Dated: January 13, 2016
Central Islip, New York